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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,995	01/16/2001	Janet Arlie Barnett	RD-28,534-5	6042

41838 7590 09/22/2006

GENERAL ELECTRIC COMPANY (PCPI)
C/O FLETCHER YODER
P. O. BOX 692289
HOUSTON, TX 77269-2289

EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3693

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,995

Applicant(s)

BARNETT ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-26 and 50-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-26 and 50-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 7-26 and 50-61 are pending. Claims 7, 17, and 50 have been amended in this communication filed 7/21/06 entered as Response After Non-Final Action.
2. The Claim objection for claim 17 has been overcome by Applicants' amendment to claim 17 and is hereby withdrawn.
3. The Specification Objection has been overcome by the submission of a Specification in a readable font and is hereby withdrawn.
4. The Objection to the Abstract has been overcome by the submission of an abstract in a readable font and is hereby withdrawn.
5. The 35 USC 112 second paragraph rejection has been overcome for claim 7 and is hereby withdrawn in part. However, the 35 USC 112 second paragraph rejection still remains for claims 7-10, 13, 17-21, 23-26, and 50-59 as set forth here below.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 7-10, 13, 17-21, 23- 26, and 50-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear from the claim language, Specification and drawings what is meant by "arbitrary group of users".

Claim Rejections - 35 USC § 102

8. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for

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purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 7-9, 17-19, 25, 26, 50, 55-57 rejected under 35 U.S.C. 102(e) as being anticipated by (US 6,366,913) Fitler, Jr. et al, hereafter Fitler, Jr.

Claim 7. Fitler, Jr. teaches, A computer implemented method for managing user information associated with a user community, comprising: specifying the user community into at least one arbitrary group of users (col. 2, line 59-col. 3, line 20); forming an administrative domain from the at least one arbitrary group of users (col. 3, lines 21-44), and granting administrative privileges to an administrator for managing the administrative domain (col. 6, lines 43-47 and col. 8, lines 1-37).

Claim 8. Fitler, Jr. teaches, The method according to claim 7. wherein the specifying of the user community into the at least one arbitrary group of users comprises using attribute values associated with each of the users in the user community as criteria for forming the at least one arbitrary group of users (col. 3, lines 34-63).

Claim 9. Filter, Jr. teaches, The method according to claim 7. wherein the specifying of the user community into the at least one arbitrary group of users comprises using combinations of possible attribute values associated with each of the users in the user community as criteria for forming the at least one arbitrary group of users (col. 4, line 12 –col. 5, line 51).

Claim 17. This independent claim is rejected for the similar rationale as given above for claim 1.

Claim 18. this dependent claim is rejected for the similar rationale as given above for claim 8.

Claim 19. this dependent claim is rejected for the similar rationale as given above for claim 9.

Claim 50. This independent claim is rejected for the similar rationale as given above for claims 7 and 17.

Claim 55. this independent claim is rejected for the similar rationale as given above for claims 7, 17, and 50.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 10 –16, 20-24, 54, and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,366,913) Fitler, Jr., hereafter Fitler in view of (US 6,539,379) Vora et al, hereafter Vora.

Claim 10. Fitler, Jr. failed to teach, The method according to claim 7, wherein the specifying of the user community into the at least one arbitrary group of users comprises constructing query rule to define users within the at least one arbitrary group of users. Vora teaches, wherein the specifying of the user community into the at least one arbitrary group of users comprises constructing query rule to define users within the at least one arbitrary group of users (col. 15, lines 21-60). It would have been obvious

to one having ordinary skill in the art at the time the invention was made to have the specifying of the user community into the at least one arbitrary group of users comprises constructing query rule to define users within the at least one arbitrary group of users and to modify in Fitler because such a modification would allow Fitler to have the access control determined by the rules in the form of queries.

Claim 11. Fitler, Jr. failed to teach, The method according to claim 10. wherein the user data that satisfies the query rule dynamically becomes a managed user within the administrative domain. Vora teaches, wherein the user data that satisfies the query rule dynamically becomes a managed user within the administrative domain (col. 22, lines 24-39). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein the user data that satisfies the query rule dynamically becomes a managed user within the administrative domain and to modify in Fitler, Jr. because such a modification would allow Fitler, Jr. to have access determined by rules in the form of queries.

Claim 12. Fitler, Jr. teaches, the method according to claim 1, further comprising forming an administrative sub-domain from the administrative domain (col. 5, lines 11-67 -sub-domain is the second and third layer of the hierarchical structure).

Claim 13. Fitler, Jr. teaches, The method according to claim 12. wherein the forming of the administrative sub-domain further comprises specifying at least one arbitrary group of users (col. 5, lines 44-67).

Claim 14. Fitler, Jr. teaches, The method according to claim 12, further comprising granting administrative privileges for managing the administrative sub-domain (col. 6, lines 34-53).

Claim 15. Fitler, Jr. teaches, The method according to claim 14, further comprising delegating the granted administrative privileges for the administrative sub-domain (col. 6, line 55-col. 7, line 15).

Claim 16. Fitler, Jr. teaches, The method according to claim 7, further comprising delegating the granted administrative privileges for the administrative domain (col. 8, lines 1-37).

Claim 20. this dependent claim is rejected for the similar rationale as given above for claim 10.

Claim 21. this dependent claim is rejected for the similar rationale as given above for claim 11.

Claim 22. Fitler, Jr. teaches, the method of claim 17, further comprising delegating the granted administrative privileges to additional administrators for the administrative domain (col. 9, lines 26-67).

Claim 23. Fitler, Jr. teaches, The method according to claim 17, further comprising managing information associated with the administrative domain according to the delegated administrative privileges, wherein the managing of the information comprises dynamically determining in real-time whether the information is a member in the at least one arbitrary group of users (col. 9, lines 5-15).

Claim 24. Fitler, Jr. teaches, A method for providing delegated administration of a user community with a client system comprising: specifying the user community into at least one arbitrary group of users (col. 2, line 59-col. 3, line 20); following an administrative domain from the at least one arbitrary group of users (col. 3, lines 21-44); granting administrative privileges to an administrator for the administrative domain (col. 6, lines 43-47 and col. 8, lines 1-37).

This claim is rejected for the similar rationale as given above for claims 12 and 15.

Claim 25. this dependent claim is rejected for the similar rationale as given above for claims 8 and 18.

Claim 26. this dependent claim is rejected for the similar rationale as given above for claims 9 and 19.

Claim 51. This dependent claim is rejected for the similar rationale as given above for claims 8, 18, and 25.

Claim 52. this dependent claim is rejected for the similar rationale as given above for claims 9, 19, and 26.

Claim 53. This dependent claim is rejected for the similar rationale as given above for claims 10 and 20.

Claim 54. this dependent claim is rejected for the similar rationale as given above for claims 11 and 21.

Claim 56. this dependent claim is rejected for the similar rationale as given above for claims 8, 18, and 25.

Claim 57. this dependent claim is rejected for the similar rationale as given above for claims 9, 19, and 26.

Claim 58. this dependent claim is rejected for the similar rationale as given above for claims 10 and 20.

Claim 59. this dependent claim is rejected for the similar rationale as given above for claims 11, 21 and 54.

Claim 60. this dependent claim is rejected for the similar rationale as given above for claim 23.

Claim 61. this dependent claim is rejected for the similar rationale as given above for claim 16.

Response to Arguments

12. Applicants' arguments filed 6/30/06 have been fully considered but they are not persuasive.

Issue no. 1: Applicants' argue: Applicants' respectfully submit that "arbitrary users" refers to groups formed in arbitrary sets and not formed from sets that are inflexible in definition (See, page 8, lines 1-5) and Applicants' therefore submit that the term is adequately defined in the application has been considered but is not persuasive. Response: While the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, > 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004)<

(The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation.). This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the Specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (discussed below); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) (Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say. One must bear in mind that, especially in nonchemical cases, the words in a claim are generally limited to their meaning by what is shown or disclosed in the specification. See, e.g., *Liebel-Flarsheim Co. v. Medrad Inc.*, 358 F.3d 898, 906, 69 USPQ2d 1801, 1807 (Fed. Cir. 2004). Applicant may be his own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) (inventor may define specific terms used to describe invention but must do so “with reasonable clarity, deliberateness and precision” and if done, must “set out his uncommon definition in some manner within the patent disclosure’ so as to give one of ordinary skill in the art notice of the change” in meaning) (quoting *Intellicall, Inc. v. Phonometrics, Inc.*, 952 F. 2d 1384, 1387-88, 21 USPQ2d 1383, 1386 (Fed. Cir. 1992)). “When a patentee acts as his own lexicographer

in redefining the meaning of particular claim terms away from their ordinary meaning, he must clearly express that intent in the written description.” See MPEP 2173.05(a).<

According to Webster's Dictionary, “arbitrary” is defined as: (1) determined by chance or whim or impulse; (2) based on or subject to individual judgment or preference”.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Issue no. 2: Applicants' argue: Fitler fails to teach, *inter alia*, forming an administrative domain from at least one arbitrary group of users and granting administrative privileges to an administrator for managing an administrative domain or forming one administrative domain for corresponding to a group of arbitrary users and granting administrative privileges to an administrator for managing the administrative domain has been considered but is not persuasive. Response: According to the claim language and the best that the Examiner can determine, Fitler discloses “forming an administrative domain from the at least one arbitrary group of users in col. 3, lines 21-44 and col. 5, lines 15-29 shows a diagram of a tree structure that many directories are based on. It is interpreted that Filter discloses “granting administrative privileges for managing the administrative domain in col. 6, lines 43-47 and col. 8, lines 1-37. Applicants' claim limitations do not clarify that the communities are created based on any user information without regard to structure or format of underlying user data in a database directory or user groups formed in many arbitrary sets rather than groups formed from sets that are generally inflexible in definition (e.g., the strictly hierarchical organization model).

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Nothing in the claim limitations give a suggestion or disclosure that a "database directory" is being used for "the underlying user data" or the "arbitrary sets are not a hierarchical organizational model". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Issue no. 3: Applicants' argue: Vora does nothing to obviate the deficiencies of Fitler as discussed in Issue no. 1 and Issue no. 2 has been considered but is not persuasive. Response: It is interpreted that Vora discloses the dependent claim limitations for claims 10-16, 20-24, and 58-61 the best that the Examiner can determine from the lack of clarity in the claim language as written. For example, Vora does disclose "building (constructing) a query in col. 15, lines 20-60. Col. 22, lines 24-39 discusses query rules and forming a query in the Vora reference.

Conclusion: The Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 162 USPQ 541,550-51 (CCPA 1969). The court determined that to read a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from 'reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim. "The court found that applicant was advocating the latter, e.g., the impermissible importation of subject matter from the specification into the claim.).<

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Inquiries

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 11, 2006


ELLA COLBERT
PRIMARY EXAMINER